

### **Remarks**

Claims 1-41 are pending in the application. Claims 1-41 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Von Kohorn. In view of the following remarks, reconsideration and withdrawal of these grounds of rejection is requested.

### **Examiner Interview**

Applicant thanks Examiner Myhre for the courtesy of the Interview conducted on February 10, 2004. During the Interview, the Examiner and Applicant's representative (Gambino) discussed proposed amendments to the claims in view Von Kohorn. The Applicant's representative submitted that the proposed amendments to claims 1, 8, 18, 25 and 32 overcome any possible rejection under Von Kohorn. The Examiner disagreed, and referenced a possible § 103(a) rejection under Von Kohorn if claims 1, 8, 18, 25 and 32 were formally presented in their proposed format. Claims 1, 8, 18, 25 and 32 are now formally presented as they were proposed in the facsimile dated February 6, 2004.

In response to the Examiner's comments with regard to Von Kohorn not specifically disclosing advertising content tailored to a player's personal information (e.g., name, interests, favorite sport, etc.), dependent claims 6, 14, 23, 30 and 36 have been amended into independent format, and are believed to be allowable over the prior art of record.

### **§ 102 Rejections**

Claims 1-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Von Kohorn (U.S. Pat. No. 5,916,024). For the reasons set forth below, reconsideration and withdrawal of this ground of rejection is respectfully requested.

As noted in prior responses, Von Kohorn teaches, in one exemplary embodiment, a system and method of playing games and rewarding successful players which includes a central station 202, and a remote receiving station 206 including a response unit 210 (See Fig. 6). The response unit 210 includes a keyboard 356 for accepting input from a user stationed at the receiving station 206 (See Fig. 8).

In operation, a host 212 stationed at the central station 202 presents a 'task' to the user stationed at the receiving station 206 by means of audio (from microphone 230) and video (from camera 228) signals transmitted from the central station to the receiving station (see, col. 36,

lines 28-58). The audio and video signals are displayed to the user at the receiving station 206 through speaker 270 and video monitor 208, respectively.

After the task has been presented, the host 212 initiates a timer (beginning a response period) by depressing a key on a keyboard 226 at the central station 202 (see, col. 41, lines 50-54). During the response period, the user at the receiving station 206 may enter response to the task. For example, if the task is a series of questions, the user may enter responses using the response unit 210 (see, col. 41, lines 61-66).

The answers to the questions are sent from the central station 202 and loaded into the memory 332 of the response unit 210 (see, col. 41, lines 61-66). If the user at the receiving station 206 enters the correct responses, a dispenser 360 of the response unit prints reward certificates (see, col. 41, lines 14-26).

An alternate version of the response unit 210 is also described with reference to Figures 25 and 26 (see, col. 78, line 47 to col. 79, line 61). In the alternate version, a response unit 800 includes a selector switch 802 which permits a user to select an 'area of interest'. The central station 202 transmits a television program and several sets of answers (corresponding to each the 'areas of interest') to the response unit 800 (see, col. 78, line 47 to col. 79, line 5). The television program may comprise a game show for selling consumer products (see, col. 79, lines 30-45). The user selects an area of interest (e.g., product) using the selector switch and is presented with the questions corresponding to his or her selection. If the user answers a specified number of questions correctly, a dispenser 390 prints out a reward certificate (e.g., coupon).

Claim 1 now recites:

A method of advertising on a computer network comprising:  
presenting at least one initial advertising image or message, said at least one initial advertising image or message resident on a server computer and relating to a specific product or service; prompting at least one player to access the at least one initial advertising image or message as a prerequisite to playing an interactive game, said at least one player accessing the at least one initial advertising image or message by selecting an icon or link on a screen of a client computer coupled to the server computer; presenting an interactive game to the at least one player via the computer network, said interactive game including at least one additional advertising image or message related to the specific product or service, said one or more players being stationed at client computers coupled to the server computer over the computer network; tracking

information relating to the highest scores for the interactive game for at least one time period; and, awarding at least one player with the highest score per at least one time period with a prize which may be used to obtain merchandise or services corresponding to the at least one additional advertising image or message, thereby incentivizing players to play the interactive game, and view the at least one additional advertising image or message, multiple times.  
[emphasis added]

Thus, claim 1 requires a method of advertising over a computer network where users are presented with an “initial” advertising image or message which they access to play an “interactive game.” During the interactive game, the user is presented with at least one “additional” advertising image or message, and the user’s score at the interactive game is tracked. If the user scores a game high score (in a particular time period), they are presented with a prize which may be used to obtain merchandise or services relating to the “additional” advertising image or message. Because only players with high scores in a particular time period (e.g., day, week, month, etc.) are awarded a prize, the users are incentivized to play the game, and thus view of the “additional” advertising images, multiple times (See, specification, page 6, lines 16-22).

The Examiner argues at page 3 of the Office Action that Von Kohorn teaches an “initial” advertising messages in that a plurality of products are ‘initially’ presented to a user before initiation of a quiz game between the central station 202 and the response unit 210 of a receiving station 206 (See Fig. 8). The Examiner further contends at page 4 (lines 5-7) of the Office Action that Von Kohorn teaches an “additional” advertising message that is part of the quiz game<sup>1</sup>. However, the Examiner fails to cite to any particular portion of Von Kohorn for this proposition.

In fact, Von Kohorn does not teach, disclose or suggest an ‘advertising image or message’ which is part of the quiz game as required by claim 1 (emphasis added). Von Kohorn only teaches a quiz game with questions which relate to a particular product or service; the questions themselves certainly do not qualify as advertising images or messages<sup>2</sup>. Accordingly,

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<sup>1</sup> The Examiner states: “Von Kohorn also discloses that the game can consist of one or more additional advertisements being displayed to the user, who then responds to one or more queries about advertisement(s) in order to win the game”.

<sup>2</sup> The Examiner underscores this point by differentiating between the “additional advertisements” and the “one or

since claim 1 requires an "...interactive game including at least one additional advertising image or message related to the specific product or service...", reconsideration and withdrawal of this ground of rejection is respectfully requested.

Furthermore, Von Kohorn fails to disclose or suggest a method of advertising on a computer network wherein users play an interactive game involving advertising messages, high scores are tracked, and only high scorers in a specific time period of the interactive game are rewarded, as now recited in independent claim 1.

At best, Von Kohorn teaches a dispenser 360 which prints reward certificates if a player answers specific quiz questions correctly; no scoring, or tracking of high scores over a particular time period (e.g., day, week, month, etc.) is taught or suggested in Von Kohorn. Additionally, players of the game taught by Von Kohorn are not "incentivized" to play the game multiple times (and thus view the "additional" advertising images multiple times), as the questions (and answers) loaded into the memory 332 of the response unit 210 are the same every time (emphasis added).

Alternatively, the interactive games proposed in the exemplary embodiments of the present application are primarily 'undefined ending' games, such as casino games, dominoes, card games, tic-tac-toe and puzzles, which may have various endings depending upon the player's choices. Thus, players will be incentivized to go back and play the same interactive game multiple times, as the results will always vary, and the possibility of obtaining a prize almost always exists. Therefore, for at least those reasons discussed above, reconsideration and withdrawal of this ground of rejection with respect to claims 1-7 is respectfully requested.

Independent claims 8, 18, 25 and 32 all contain limitations similar to those discussed above with respect to independent claim 1. In particular, all of these claims contain limitations which require a user to play an interactive game (and view advertising content) multiple times in order to obtain a prize. Therefore, for at least those reasons discussed above with respect to claim 1, reconsideration and withdrawal of this ground of rejection with respect to claims 8-36 is respectfully requested.

Dependent claims 6, 14, 23, 30 and 36 (now independent) also recite limitations which are neither disclosed nor suggested by Von Kohorn. Each of these claims recites limitations

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more queries about [the] advertisements in his arguments. See Office Action, Page 4, lines 5-7.

regarding the compiling of a player's personal information, and the using of such information to tailor advertising content of the interactive game for the particular user. For instance, the method may involve asking the user for their name, age and favorite sport. If the user responds that "basketball" is their favorite sport, the advertising content presented during the interactive game may relate to Nike® basketball sneakers, or the like.

The Examiner cites five (5) continuous pages of Von Kohorn (i.e., col. 1, line 25 to col. 10, line 43) to support rejection of these claims, however, the Applicant can find no specific teaching or suggestion of the compilation and use of personal information to tailor advertising content in an interactive game in these portions of the reference. Accordingly, for at least these additional reasons, reconsideration and withdrawal of the rejection of claims 6, 14, 23, 30 and 36 is also respectfully requested.

Claim 42 has been added by this Amendment, and is directed to an exemplary embodiment of the present invention where a user clicks on an "initial" advertisement, is directed to an interactive game including at least one "additional" advertisement, plays the game a single time and receives a prize (see, page 5, line 21 – page 7, line 3). As noted above, Von Kohorn fails to teach, disclose or suggest a method for advertising on a computer network wherein users play an interactive game involving advertising messages, scores are tracked, and only scorers in a specific time period of the interactive game are rewarded. Thus, consideration and prompt allowance of this claim is respectfully requested.

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Amdt. Dated March 2, 2004  
Reply to Office Action of December 23, 2003

Summary

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.



Respectfully submitted,

A handwritten signature in black ink, appearing to be "Paul Taufer", written over a horizontal line.

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